

Times Argus

Article published Apr 29, 2006

Groundwater bill clears Legislature

MONTPELIER — During the next five years, the state will consider whether groundwater deep under the earth's surface should be considered part of the public's property — like lakes and streams on the surface, and how much protection it needs.

A bill that gained final legislative approval Friday would lay the basis for an examination of that issue, and allow somewhat tighter control over large-scale uses of groundwater in the meantime. It also establishes a committee of officials, experts and lawmakers to consider what should be done in the long run to protect the state's aquifers.

Vermont is late in joining the rest of New England and most other states in having such a system to evaluate and protect groundwater, lawmakers and supporters said. Two-thirds of the state's residents get their drinking water from underground sources, according to the state.

Another reason it is important to protect the state's underground waters is that under free trade agreements the state could take a financial hit if it altered its water regulations after the arrival of a multi-national water bottling company, said Rep. Steven Adams, R-Hartland, chairman of the House Fish, Wildlife and Water Resources Committee that worked on the bill.

"One of my big concerns has been exploitation of our groundwater by multinational corporations that are protected under international trade policy," Adams said.

It is not an idle fear. A dispute several years ago between conservation groups and Nestlé Waters North America Inc. over water rights in Michigan led to lawsuits that still are in court. One of the issues in that case was the status of the state's laws governing water use. In any case, the state should have some idea how much water is being taken out by large-scale users and where, Adams said.

"We have no idea how much water is being withdrawn for agricultural, commercial and industrial uses," he said. "For too long we have taken it for granted that if you just drill a hole in the ground for water it will be there."

The final bill is reasonable and worthwhile, said Andrew MacLean, a lobbyist for the International Bottled Water Association, one member of which is ClearSource, which bottles Vermont Pure spring water.

"There are individual aquifers which could be under stress," he said.

The bill, if signed by Gov. James Douglas, also would require that those drawing more than 50,000 gallons of water a day from aquifers for commercial and industrial uses get a permit from the Agency of Natural Resources during the years the state's long-range plan is being completed. Existing water users would be exempt, and bottled water companies already must gain permits from the agency.

"Substantial withdrawals logically need that scrutiny," said Jeffrey Wennberg, commissioner of the Department of Environmental Conservation. The final bill is a good start and a good compromise, Wennberg said.

The bill also prepares the state to begin mapping underground aquifers. The large amount of money and research needed to do that will come from company's who use the aquifers and perhaps federal funds that may be appropriated, state officials said.

"Most Vermonters get their drinking water from underground resources and we have no idea, no picture, of what these resources look like," said Patrick Berry of the Vermont Natural Resources Council, which pushed for the bill.

Mapping the water resources could be very valuable, but it will not be cheap, Wennberg said.

"Our subsurface geology is as complex as you will find anywhere on the planet," he said.

State Geologist Laurence Becker agreed.

"If the whole state is going to be mapped that's a big project," he said.

The idea behind the bill is a good one, said Becker, who recently testified on a U.S. Senate bill supported by Sen. James Jeffords, I-Vt., which would prepare the way for future federal funding of the effort to survey the state's underground waters.

"The intent is to step back and look at all of the groundwater resources in the state of Vermont," he said.